

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Civil No. 1:11-CV-74

FILED
IN COURT
ASHEVILLE, N.C.

APR 05 2012

U.S. DISTRICT COURT
W. DIST. OF N.C.

FEDERAL DEPOSIT INSURANCE)
CORPORATION, as Receiver for)
THE BANK OF ASHEVILLE,)

Plaintiff,)

v.)

COLLIER DIMITRIS MARKET)
HOLDINGS, LLC)
and NICHOLAS E. DIMITRIS)

Defendants.)
_____)

CONSENT JUDGMENT

Plaintiff Federal Deposit Insurance Corporation and Defendants Collier Dimitris Market Holdings, LLC and Nicholas E. Dimitris hereby agree that judgment be entered by the Court without trial or adjudication of any facts or law applicable to this action as follows:

1. Plaintiff commenced this action on July 30, 2010 by filing a civil summons and complaint.
2. Plaintiff and Defendants have agreed to settle this action without trial and have compromised and settled all matters pending between them.

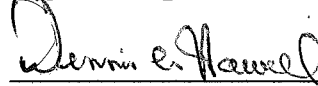
3. Defendants admit the jurisdiction of this Court with respect to the subject matter of this action and of the parties and have entered or now enter a general appearance.

4. The parties waive the entry of findings of fact and conclusions of law under Rule 52 of the Federal Rules of Civil Procedure.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
DECREED THAT:

Judgment is entered for Plaintiff against Defendants Collier Dimitris Market Holdings, LLC and Nicholas E. Dimitris, jointly and severally, in the amount of \$960,566.70, together with interest at the rate of \$172.43 per diem from the 26th day of July, 2010, through the date of entry of this judgment, as well as attorneys' fees in the amount of \$144,085.00, with interest on the total amount of said judgment accruing from the date of entry of this judgment at the legal rate. The costs of this action are taxed to Defendants.

Signed: April 5, 2012

A handwritten signature in dark ink, appearing to read "Dennis L. Howell", is written over a horizontal line.

Dennis L. Howell
United States Magistrate Judge

CONSENTED AND AGREED TO:

**FEDERAL DEPOSIT
INSURANCE CORPORATION,
AS RECEIVER FOR THE BANK
OF ASHEVILLE**

By: Robert A. Mays

Robert A. Mays
N.C. State Bar No. 34090
Esther E. Manheimer
N.C. State Bar No. 25712
Mark A. Pinkston
N.C. State Bar No. 16789
**VAN WINKLE, BUCK, WALL
STARNES AND DAVIS, P.A.**
Post Office Box 7376
Tel.: (828) 258-2991
Fax: (828) 257-2767
Asheville, NC 28802-7376
*Attorneys for Plaintiff Federal
Deposit Insurance Corporation, as
Receiver for The Bank of Asheville*

**COLLIER DIMITRIS MARKET
HOLDINGS, LLC**

By Nicholas E. Dimitris

Nicholas E. Dimitris, Member-
Manager
509 SONDDLEY DRIVE SOUTH
ASHEVILLE NC 28805

NICHOLAS E. DIMITRIS

Nicholas E. Dimitris
Nicholas E. Dimitris
509 SONDDLEY DRIVE SOUTH
ASHEVILLE NC 28805

David R. Pryme
David R. Pryme, P.A. For Collier Dimitris
One N. Park Sq Ste 500 market Holdings, LLC
Asheville NC 28801
828-258-0076